

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

Caption:

Billy D Gaston

**COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION**

Full name(s) of Plaintiff(s)

v.

CIVIL ACTION
NO. _____

Robert McDonald, Secretary
Department of Veterans Affairs

Full name(s) of Defendant(s)

This action is brought for discrimination in employment pursuant to (check only those that apply):

 X Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

 Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against.

 Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

 Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: *In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.*

I. Parties in this complaint:

A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Billy Gaston
Street Address: 2266 Barrington Rd.
County, City: Lehigh County, Bethlehem
State & Zip: Pennsylvania, 18018
Telephone Number: 610-515-4410

B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: VA New Jersey Healthcare System
Attn: Office of Resolution Management
Street Address: 151 Knollcroft Rd.
County, City: Somerset, Lyons
State & Zip: New Jersey, 07939
Telephone Number: 908-604-5349

C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: VA New Jersey Healthcare System
Street Address: 151 Knollcroft Rd.
County, City: Somerset, Lyons
State & Zip: New Jersey, 07939
Telephone Number: 908-604-5349

II. Statement of the Claim

A. The discriminatory conduct of which I complain in this action includes (*check only those that apply to your case*):

- ☐ Failure to hire me
- ☒ Termination of my employment
- ☐ Failure to promote me
- ☐ Failure to reasonably accommodate my disability

☐ Failure to reasonably accommodate my religion

☒ Failure to stop harassment

☒ Unequal terms and conditions of my employment

☒ Retaliation

☐ Other (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) June, (day) 1, (year) 2008.

C. I believe that the defendant(s) (check one):

☐ is still committing these acts against me.

☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

☒ race African-American/Black ☒ color Black

☐ religion _____ ☐ gender/sex _____

☐ national origin _____

☐ age My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

While working as a Telecom Specialist in the New Jersey VA Hospital in East Orange, and Lyons NJ, I was subjected to a pattern of harassment and hostility from Dennis Maldonado, who was supervising me. After several complaints to Management and even after filing an EEO complaint with the Agency and with the EEOC, the Agency did not intervene to alleviate the harassment and hostility. Approximately 2 weeks before the EEO Investigation began, I was suspiciously assigned a new supervisor, Miguel Rodriguez, and that supervisor began harassing me in a similar way and terminated me on or about the day that the Agency's EEO investigator began interviewing Dennis Maldonado and other Management officials. I was terminated per the request of the new supervisor for participating in protected activity regarding assignment of work, which was a claim that was included in my complaint.

In addition, I was also subjected to a pattern of disparate treatment with regard to employment opportunity, and being required to obtain background checks and clearances,

while other similarly-situated individuals outside of my protected class who did not have required clearance were allowed privileges that required a clearance.

NOTE: *As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.*

III. Exhaustion of Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: 5/2011.

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue Letter.

☒ issued a Notice of Right to Sue Letter, which I received on February 5, 2017.

NOTE: *Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.*

C. *Only plaintiffs alleging age discrimination must answer this question.*

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have passed.

☐ fewer than 60 days have passed.

D. It is my best recollection that I filed a charge with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: N/A.

E. Since filing my charge of discrimination with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (*check one*):

N/A One year or more has passed.

N/A Less than one year has passed.

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as (*check only those that apply*):

☐ Direct the defendant to hire the plaintiff.

☐ Direct the defendant to re-employ the plaintiff.

____ Direct the defendant to promote the plaintiff.

____ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

____ Direct the defendant to reasonably accommodate the plaintiff's religion.

____ Direct the defendant to (*specify*): _____

 X If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

____ Other (*specify*): _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4th day of May, 2017.

Signature of Plaintiff

Address

Telephone number

Fax number (*if you have one*) n/a



2266 Barrington Road
Bethlehem, PA 18018

610-515-4410